

REMARKS

This Amendment is filed in conjunction with a Request for Continued Examination filed today in the above referenced patent application. In that Request for Continued Examination, Applicant has requested consideration of the unentered after-final amendment filed on June 8, 2005 and consideration of the amendments to pending claims 7 and 8, as well as the arguments submitted in conjunction therewith.

The present amendment adds new claims 11-33 to further particularly point out and distinctly claim various inventive aspects associated with the embodiment of the invention set forth in pending claims 7 and 8 of the previously submitted amendment. Claim 11, which is the only independent claim of this new group of claims, particularly sets forth various spatial references and anatomy of the heart and, specifically, the mitral valve of the heart to assist with establishing spatial references that Applicant believes will assist in defining the invention over the references cited by the Examiner and otherwise of record in this application. The prior art fails to disclose or suggest an annuloplasty device, as recited in claim 11, including:

an anterior section, said anterior section being substantially elongate and spanning between first and second anterior ends, said anterior section adapted for attachment to the annulus anterior portion, said first and second ends of said device being adapted for placement respectively proximate to the left and right anterior ends of the annulus anterior portion, and

a posterior section, said posterior section adapted for attachment to the annulus posterior portion and spaced apart from said anterior section to define an annuloplasty device space therebetween, said posterior section spanning between said first and second anterior ends of said device with a generally curvilinear shape,

said curvilinear shape being preformed to be non-planar when viewed in the anterior-posterior direction, wherein, in use, said non-planar generally curvilinear shape improves coaptation of the leaflet free margins in the systole configuration.

Notably, this claim has been specifically drafted to call out the various inherent anatomical features of a mitral valve and corresponds the structural features of the recited annuloplasty device as described and shown in the present application, as understood by one of ordinary skill in the art, to those features perhaps most notably, the claim sets forth that the posterior section of the device has a generally curvilinear shape which is "preformed to be non-planar when viewed in the anterior-posterior direction, wherein, in use, said non-planar generally curvilinear shape improves coaptation of the leaflet free margins in the systole configuration." Applicant respectfully submits that this feature, taken in conjunction with the particularly defined remaining features of the device, fails to be disclosed or suggested by the prior art of record, including the previously applied references from the final Action. In particular, the Examiner's interpretation of the Cox and Seguin et al. structures clearly does not apply to independent claim 11. The Examiner stated that the Seguin et al. and Cox rings are "flexible and when implanted would inherently extend downward relative to another segment." Claim 11 requires a preformed, non-planar posterior section and therefore includes the Examiner's suggestion from the previous interview in order to assist with defining over the Cox and Seguin et al. references.

Applicants undersigned counsel will telephone the Examiner shortly to schedule a personal interview to further discuss this amendment, the previously

filed after final amendment, and any other remaining issues to expedite issuance of this application.

Applicants believe that no other fees are due in connection with this response, other than the fees noted on the transmittal documents. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

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/Kevin G. Rooney/

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